

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

BAD RIVER BAND OF THE LAKE
SUPERIOR TRIBE OF CHIPPEWA
INDIANS OF THE BAD RIVER
RESERVATION,

Plaintiff,

v.

ENBRIDGE ENERGY COMPANY, INC.,
and ENBRIDGE ENERGY, L.P.,

Defendants.

Case No. 3:19-cv-00602-wmc

Judge William M. Conley
Magistrate Judge Stephen L. Crocker

ENBRIDGE ENERGY COMPANY, INC.,
and ENBRIDGE ENERGY, L.P.,

Counter-Plaintiffs,

v.

BAD RIVER BAND OF THE LAKE
SUPERIOR TRIBE OF CHIPPEWA
INDIANS OF THE BAD RIVER
RESERVATION and NAOMI TILLISON,
in her official capacity,

Counter-Defendants.

**BAD RIVER BAND AND ENBRIDGE'S JOINT STIPULATED LIST OF EXHIBITS
ADMITTED AT HEARING OF MAY 18, 2023**

The parties hereby submit this joint stipulated list of exhibits admitted in evidence during the evidentiary hearing in this matter on May 18, 2023.¹

¹ While the instant stipulation identifies the exhibits admitted at the hearing of May 18, 2023, it does not reflect the complete documentary record with respect to that hearing, which also includes the parties' declarations and

EXHIBIT(S) OF		<u>BAD RIVER BAND OF THE LAKE SUPERIOR TRIBE OF CHIPPEWA INDIANS OF THE BAD RIVER RESERVATION</u>		
<u>PLAINTIFF</u> (Indicate plaintiff or defendant)		V. Case No. <u>3:19-cv-00602-wmc</u> <u>ENBRIDGE ENERGY COMPANY, INC., and ENBRIDGE ENERGY, L.P.</u>		
Date	Identification		Description	Offers, Objections, Rulings, Exceptions
	No.	Witness		
05/18/23	179 ²	Naomi Tillison	08/26/19, Enbridge PowerPoint, “High Value Learning Event, Helicopter Inadvertent Load Release” [ENB00235805]	ADMITTED
05/18/23	459	Ian Paton	04/22/13–05/30/13 Bad River hydrograph.	ADMITTED
05/18/23	460	Ian Paton	04/05/01–04/29/01 Bad River hydrograph.	ADMITTED
05/18/23	461	Ian Paton	04/01/18–11/01/18 Bad River hydrograph.	ADMITTED
05/18/23	462	Ian Paton	06/11/18–06/18/18 Bad River hydrograph.	ADMITTED
05/18/23	463	Ian Paton	07/07/16–07/14/16 Bad River hydrograph.	ADMITTED
05/18/23	468	Ian Paton	Summary table: Spring 2023 bank loss and distance from top of bank to Line 5 at Bad River meander as of May 8, 2023.	ADMITTED

accompanying attachments and exhibits filed for the Court’s consideration prior to that hearing. *See* Dkts. 631–32 & 636–54; Dkt. 672 (Order granting in part and denying in part Band motion to exclude declarations at Dkts. 645–53).

² The Band recently filed, and the Court granted, an unopposed motion to correct the record to admit Exhibit 179 in place of Exhibit 180. *See* Dkts. 675 (motion) & 677 (order).

05/18/23	472	Ian Paton	05/06/23, Video clip of drone footage of tree and bank collapsing into river at Bad River meander.	ADMITTED
05/18/23	475	Naomi Tillison	05/16/23, Tillison email to Enbridge RE: Enbridge Energy, Limited Partnership Additional Proposal for Erosion Protection at the Bad River Meander – Temporary Sandbags.	ADMITTED
05/18/23	478	Naomi Tillison	05/16/23, Natural Resources Conservation Service Email to Strand RE: Engineering Support: Meander Sandbag Proposal (2023-92).	ADMITTED
05/18/23	481	Ian Paton	04/19/23, Photo of natural log raft at the Bad River meander.	ADMITTED
05/18/23	499A	Naomi Tillison	12/13/22, Wright Water Engineers PowerPoint, “Photographs of ‘Engineered Log Jams’ Related to Anchoring Approaches.”	ADMITTED
05/18/23	499B	Naomi Tillison	05/15/22, Enbridge application, Bad River Meander Bank Stabilization Project – Natural Tree Revetment.	ADMITTED

Dated: June 22, 2023

Riyaz A. Kanji

Riyaz A. Kanji
David A. Giampetroni
Lucy W. Braun
Christopher Miller
Joshua C. Handelsman
Joohwan Kim
KANJI & KATZEN, P.L.L.C.
303 Detroit Street, Suite 400
Ann Arbor, MI 48104
rkanji@kanjikatzen.com
(734) 769-5400

Jane G. Steadman
Philip H. Tinker
Claire R. Newman

Respectfully submitted,

Michael C. Davis

Michael C. Davis
David L. Feinberg
Justin B. Nemeroff
Venable LLP
600 Mass. Ave., NW
Washington, D.C. 20001
(202) 344-8278
MCDavis@venable.com
DLFeinberg@venable.com
JBNemeroff@venable.com

David H. Coburn
Shannen W. Coffin
Steptoe & Johnson LLP
1330 Connecticut Avenue, NW

KANJI & KATZEN, P.L.L.C.
811 1st Avenue, Suite 630
Seattle, WA 98104
jsteadman@kanjikatzen.com
(206) 344-8100

Erick Arnold
BAD RIVER BAND OF THE LAKE SUPERIOR
TRIBE OF CHIPPEWA INDIANS OF THE BAD
RIVER RESERVATION
72682 Maple Street
Odanah, Wisconsin 54861
attorney@badriver-nsn.gov
(715) 682-7107

Bruce Wallace
HOOPER HATHAWAY PRICE BEUCHE
& WALLACE
126 S. Main Street
Ann Arbor, MI 48104
bwallace@hooperhathaway.com
(734) 662-4426

Oday Salim
NATIONAL WILDLIFE FEDERATION
213 W. Liberty Street, Suite 200
Ann Arbor, MI 48104
salimo@nwf.org
(586) 255-8857

Douglas M. Poland
David P. Hollander
STAFFORD ROSENBAUM, LLP
222 W. Washington Avenue, Suite 900
Madison, WI 53701
dpoland@staffordlaw.com
dhollander@staffordlaw.com
(608) 256-0226

*Counsel for Plaintiff and Naomi Tillison,
Director of the Mashkiiziibii Natural
Resources Department of the Bad River
Band, in her official capacity*

Washington, DC 20036-1795
(202) 429-8063
dcoburn@steptoe.com
scoffin@steptoe.com

Eric M. McLeod
Joseph S. Diedrich
Husch Blackwell
33 East Main Street, Suite 300
Madison, WI 53701-1379
(608) 234-6056
eric.mcleod@huschblackwell.com

Counsel for Defendants